

City of Taylorsville
Planning Commission Meeting
Minutes
Tuesday – May 23, 2006 – 6:00 P.M.
2600 West Taylorsville Blvd – Council Chambers

Attendance:

Planning Commission

Kristie Overson, Chair
Ted Jensen
Scott Bolton
Blaine Smith
Dama Barbour
Robert Daniels
Angelo Calacino

Excused: Joan Rushton-Carlson

Community Development Staff

Mark McGrath, Director
Michael Maloy, City Planner
Dan Udall, City Planner
Nick Norris, City Planner
Jean Gallegos, Admin Asst/Recorder

PUBLIC: Brent Overson, Chet Nichols, Jack Lucas, Gordon Haight

WELCOME: **Commissioner Overson** welcomed those present, explained the process to be followed this evening and opened the meeting at 6:00 p.m. She asked for discussion or a motion regarding the Consent Agenda.

CONSENT AGENDA

1. Minutes for March 14, 2006	Approved as presented.
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MOTION: **Commissioner Calacino** - I will make a motion to approve the Consent Agenda consisting of the Minutes for March 14, 2006, as presented.

SECOND: **Commissioner Daniels**

VOTE: All Commissioners present voted in favor. Motion passes unanimously.

CONDITIONAL USE/SUBDIVISION

2. 25C05 Jack Lucas, Approximately 1300 West Winchester Street – Conditional Use Permit for a 30 Unit Residential Planned Unit Development. (Final) (Michael Maloy/City Planner)

3. 3S06 Jack Lucas, Approximately 1300 West Winchester Street – Winchester Overlook Subdivision Plat Containing 30 Lot Residential Town Homes. (Final) (Michael Maloy/City Planner).

2.1 **Mr. Maloy** [18:09:44](#) advised that he would be making simultaneous presentations for Agenda Item #2 (25C05 – Jack Lucas) and Agenda Item #3 (3S06 – Jack Lucas). **Mr. Maloy** advised that Jack Lucas (Signature Development), is in compliance with 16 of the 26 conditions of preliminary approval and the applicant is responding favorably to all other issues. One condition the applicant would like to address the Commission on is the rear yard setback and to explain why the footprints of the structures is impacting that, especially the deck features. [18:13:33](#) This project building setbacks are right at 15' now and the decks must meet those setbacks. **Commissioner Calacino** commented that the front yard setbacks are also not in compliance due to the covered porches. [18:15:04](#) **Mr. Maloy** advised that the building outlines do take into account the front porches. Part of the problem is that through the evolution of the project, the buildings became larger in order to accommodate floor plan changes and this is the amended site plan showing where the approach off of 1300 West has shifted to the common boundary between this developer and the Prolifica development team. He also went over the landscape plan with Commissioners. **Commissioner Overson** commented that the staff report eludes to a "T" intersection and wanted to know if that was adequate. **Mr. Maloy** advised that staff wanted to make sure that if this development comes to fruition before Prolifica's does, the approach off of 1300 West is right on the property line and there is no documentation in place saying that Signature Development can make improvements on someone else's property.

Part of that is when the approach was relocated off 1300 West, there was a condition specific that a sense of enclosure would be created. **Commissioner Overson** asked if the newest elevations show the rear of the structures and **Mr. Maloy** said they did not. [18:18:18](#). **Commissioner Calacino** had concerns about the drive off 1300 West and wanted to make sure it was built to the required width. **Mr. Maloy** advised that point was addressed in the City Engineer's final approval letter, wherein he stated that he wanted to make sure there is some type of easement granting Signature Development the right to construct, occupy and access that part of the project which they don't control or own. [18:19:54](#) It is the intent of Signature Development to satisfy that requirement. **Commissioner Calacino** added that they would have to build the full road width as shown, regardless of Prolifica's progress.

2.1 **Mr. Maloy** provided the following list of conditions and status for each, which are shown with the "assessment" icons below.

Assessment Key

☺ **Compliant**

☹ **Partial compliance** – may need further discussion

⊗ **Not compliant** – warrants further discussion

1. Receive approval from and remain compliant with all applicable reviewing departments and agencies of the City of Taylorsville (i.e. Taylorsville-Bennion Improvement District, Uniform Fire Authority, City Engineer, etc.). ☺ **Compliant**
2. Planning Commission shall review final conditional use permit application for planned unit development (PUD) to ensure compliance with all applicable zoning codes unless otherwise permitted by the PUD ordinance. ☺ **Compliant**
3. Applicant must combine existing lots into one parcel, compliant with City and County regulations. ☺ **Compliant**
4. Applicant is to calculate total net acreage of development after dedication of required public right-of-way along 1300 West and Winchester Street to verify compliance of requested development density with the attached zoning condition, which limits residential development to 11 units per acre maximum. ☺ **Compliant**
5. Applicant is to provide a comparison between the proposed planned unit development with the dwelling group regulations contained within the R-M Zone (i.e. open space, parking, minimum landscaping, etc). ☺ **Compliant**
6. Applicant shall provide an open space plan that creates positive, usable open space, and shall contain amenities compliant with staff comments contained within the staff report or as otherwise directed by the Planning Commission (see conditions number 8 and 15). Open space plan shall be reviewed by the Planning Commission for final approval. ☺ **Compliant**
7. Applicant shall coordinate with City staff a plan for all public and private improvements including streets, walkways and bicycle trails (if any). Infrastructure improvement plan shall address off-site improvements if required by the City Engineer. Planning Commission shall review plan for final approval. ☺ **Compliant**
8. Applicant should propose an internal trail component to be reviewed by the Planning Commission. ☹ **Partial compliance** – *Trail design has been reduced to one pedestrian pathway connecting residents on Trip Hill Lane to common space amenities (i.e. pergola, barbecue, guest parking, etc.) provided within the adjacent residential development by Prolifica. Although staff agrees with the applicant that the new trail alignment is useful, staff recommends that the trail physically connects with the common space rather than end on Overlook Place.*
9. Applicant shall provide an accurate, uniform street tree planting plan. Street trees should be planted 25 feet on center (or as otherwise directed by the Planning Commission). Trees may be adjusted for water meters and driveways. Street trees should also account for location of street lights and fire hydrants. ☹ **Partial compliance** – *Many of the street trees are located 25 feet apart, however there are locations where street trees are separated by 40 feet or more for no apparent reason.*
8. Provide site lighting plan and with product specifications. Street light pattern should be equally staggered on both sides of the street and not linearly aligned on one side only. Concrete bases for street light poles should be minimally exposed. ☺ **Compliant**
9. Applicant shall submit for final approval a decorative sign plan compatible with site design and architecture. ☺ **Compliant**
10. For final review, provide a landscape plan designed by a professional landscape architect (or other experienced professional acceptable to staff). Landscape plan shall contain construction details, species type, locations, quantities and plant sizes. Applicant is required to select a mixture of plants to create variety and "seasonal colors" within plant beds. As an important

element of the required open space plan, landscape plan should represent an exceptional level in quality and address maintenance of open space. ☹ **Partial compliance** – *Applicant has retained the professional services of ASWN to produce the landscape plan, however staff recommends the following additions: all deciduous trees should measure 2 inch caliper or more; evergreen trees should measure 6 feet tall or more; perennial / annual planting area species selection should be increased and spacing guidelines should be decreased; and shoulder landscape beds along project entryways on 1300 West and Winchester Street should be coordinated with fencing plan.*

11. Building setbacks. House portion should not be any closer than 10' to the back of curb; buildings should not be closer than 15' between structures on the sides and should not have a rear yard any less than ~~20~~ 15'. (Amended September 26, 2005.) ☺ **Compliant** – *However, the applicant desires to construct rear yard decks that would encroach within this setback, and he intends to discuss this further with the Planning Commission.*
12. Development is to incorporate a minimum driveway length of 18' when measured from back of curb to the front of the garage. ☺ **Compliant**
13. Design a centrally located common area to provide a gathering place for the community. Designated common area should not be less than at least 1,000 square feet in area. ☺ **Compliant**
14. Development will not be permitted as a gated community and that the private street is no less than 25' wide when measured from back of curb to back of curb. However, the Planning Commission recommends that the street be at least 30' wide (measured from back of curb to back of curb) and built to City standards, in case of a future request to dedicate the private road to the City. ☺ **Compliant**
15. Provide a perimeter wall along the east and north property line. Wall is to be constructed of pre-cast masonry or equivalent. Wall placement along 1300 West and Winchester is to be setback five feet from the property line to provide area for landscaping along the streetscape and in the park strips and is to be positioned so as to not interfere with the required clear view area and access. Provide location, height and fence material specifications to be used in development for final approval by the Planning Commission. ☹ **Partial compliance** – *The proposed perimeter fence appears to interfere with the clear view triangle required by City Code and must be amended. Also, fence materials along Winchester Street have not been submitted, however the applicant intends to have an "open" fence design. Staff recommends that the fence plan along the entrances into the project be further refined and resubmitted for staff final approval.*
16. All utilities shall be screened from primary views either by fences or densely planted vegetation. Roof located vent stacks are to be screened or carefully located to minimize negative impact. Rear or hidden locations are preferable to easily viewable locations from adjacent roadways. ☹ **Partial compliance** – *Although the applicant intends to comply with this condition, the locations of all ground mounted utilities have not been shown within construction plans. Consequently, the proposed landscape plan does not respond to this requirement.*
17. Except for decorative lighting such as a porch light or garage lanterns, lighting should be downward cast or oriented toward building architecture. Lighting plans should not utilize simple utility or flood lights. ☺ **Compliant**
18. Applicant shall submit for final approval product specifications on architectural details such as exterior lighting including street lights, house numbers, mail boxes, and as otherwise directed by the Planning Commission. ☹ **Partial compliance** – *Although the applicant has submitted a number of architectural details for the project, the applicant has not submitted product specifications or construction drawings for the pergola to be installed within the common space. Also design for the mailbox kiosk does not appear to be compatible with other open space amenities (i.e. the pergola). Staff recommends an architectural design that is compatible with the proposed structures contained within the project.*
19. Preliminary material sample board should be refined for construction purposes prior to final approval; however applicant shall maintain cement-based fibrous board or other similar paint able lapped board as a primary fascia element. Stucco or similar products should be used sparingly (if any) due to construction problems and long-term maintenance. ☹ **Partial compliance** – *The use of stucco has increased since the project was last reviewed by the Planning Commission.*
20. Main entry should be refined as a focal point of the front elevation. Exterior door and window details must be compatible with architectural design or vernacular. ☺ **Compliant**
21. Design of relocated private road from 1300 West shall comply with all engineering and zoning requirements of the City. ☺ **Compliant**
22. New "T" intersection must be terminated by an architectural and/or landscape element to maintain sense of enclosure and intimacy, which was a significant design element of the

preliminary site plan proposed by the applicant and approved by the Planning Commission. Design solution subject to Planning Commission final approval. ☹ **Partial compliance** – *Applicant has proposed a monument sign surrounded by a landscaped bed with three evergreen trees standing behind the sign. Staff is not convinced that this solution will adequately terminate the entry.*

23. Alignment of proposed trail is not approved as shown on site plan amendment. ☹ **Partial compliance** – *See comments on condition number 8 above.*
24. Final conditional use permit application shall be subject to all other conditions of preliminary approval as required by the Planning Commission. (Amended December 13, 2005.) ☹ **Partial compliance** – *Based on staff review, applicant has fully complied with 16 of the 26 above conditions, and has partially complied with 10 of the 26 conditions.*

Staff recommends final approval with the following conditions:

1. Applicant shall comply with all conditions of preliminary approval unless otherwise modified or removed by the following conditions of final approval.
2. Pedestrian pathway from Trip Hill Lane to common space amenities provided within the pending adjacent residential development (by Prolifica) should be aligned to physically connect with the common space rather than terminate at the east end of Overlook Place.
3. Applicant shall correct the following elements of the landscape; all deciduous trees should measure 2 inch caliper or more; evergreen trees should measure 6 feet tall or more; perennial/annual planting area species selection should be increased and spacing guidelines should be decreased; and shoulder landscape beds along project entryways on 1300 West and Winchester Street should be coordinated with fencing plan.
4. Proposed fence plan shall comply with the clear view triangle required by City Code. Fence materials and alignment along Winchester Street to be submitted for final staff approval; however, plan must be consistent with fencing plan for pending adjacent development (by Prolifica). Fence plan along entrances into the project is to be further refined and resubmitted for staff final approval.
5. Refine civil engineering plans to include placement and specifications of ground mounted utilities. Amend proposed landscape plan to reflect locations of ground mounted utilities and provide screening for said improvements.
6. Submit architectural and construction details for the pergola to be installed within common space. Refine design of mailbox kiosk to be compatible with other open space amenities (i.e., the pergola). Use of natural, weather resistant materials is strongly encouraged.
7. **[Added by Motion] That 360° architecture be included on the buildings.**

2.2 **APPLICANT ADDRESS:** **Jack Lucas** 18:21:53 **Mr. Lucas** commented that he feels this is an incredible project and will be very well done. With regard to the deck area, his desire is to extend the deck out 8' from the building with the present setbacks. 18:22:50. He advised that they have worked on the entrance into the development and that he, along with Mr. Jim Allred (Architect) would be glad to address any questions.

2.3 **DISCUSSION:** **Commissioner Bolton** asked Mr. Lucas to address the 10 outstanding items. **Mr. Lucas** complied by saying:

- **Item #8** - He is comfortable with the idea and would be willing to install an internal trail system which connects with the common space rather than ending on Overlook Place. It would extend along the stub street up to the corner and then across to the common area. 18:24:25 **Mr. Allred** added he also felt it was a good recommendation.
- **Item #9** – **Mr. Lucas** said that the majority of the trees have been planted 25' apart, however, that due to site configuration and the need for logical placement, some of the trees are 35' to 40' apart. The larger trees have been located between the driveways. 18:27:45 He added that there are a tremendous number of trees, which equates to probably more than required. 18:28:33 **Commissioner Smith** wanted to know how many stop signs were projected for this project and **Mr. Lucas** said there were two, one at Winchester and one at 1300 West. **Commissioner Smith** wanted to make sure the applicant is addressing the clear view with the placement of the trees. 18:31:41
- **Item #12** – **Mr. Lucas** agreed to Staff's suggestion that the trees must be 2" caliper at a minimum. 18:32:26
- **Item #17** - **Mr. Lucas** agreed to install pre-cast perimeter walls, which accommodate the clear view triangle areas. 18:33:15. That he wanted his development's walls to match what Prolifica is putting in their portion, adding that the possibility of an open grill fence along portions of it had also been discussed. 18:33:59

- Item #18 – **Mr. Lucas** said they will provide screening of utility equipment but cannot screen those which belong to Utah Power and Light. [18:36:41](#) **Commissioner Daniels** wanted to know if the power lines were going to be underground, to which **Mr. Lucas** said they were but that the transformer would be above ground.
- Item #20. **Mr. Lucas** advised that they will be submitting their design proposal to Staff for the pergola, suggesting that perhaps a trellis could be installed over the mail box area and showed other architectural details. [18:38:28](#) **Commissioner Overson** [18:39:25](#) added that she understands these two developers are working together, however, if Prolifica subsequently decides to wait for a period of time, wondered if there needed to be an easement for the mail kiosk. **Mr. Maloy** advised that there would be a separate mail kiosk in each area and his recommendation was to defer approval on that until the final stage approval with Prolifica. **Commissioner Jensen** [18:41:14](#) asked if the Post Office had given the developers input on where to place the mail box center. **Mr. Lucas** said that they had and also specified a certain type of mail box to be used. **Commissioner Jensen** also wanted to make sure people could park safely while picking up their mail.
- Item #21 **Mr. Maloy** advised relative to the sample board that some differences have been noted, however, the applicant's proposal is acceptable to staff. Notably there is an increase in stucco onto the gable, with heavier materials at the base and lighter materials extending to the roof. [18:41:52](#) **Commissioner Overson** wanted to know if the rock enhancement previously included on the rear elevations had been eliminated and **Mr. Lucas** advised it had been removed. She advised that if the fencing along 1300 West and along Winchester is open type, then she would like to see something distinctive along the backs of the units. If the Planning Commission were to recommend a block fence it would not be as important but if there is an open fence, there ought to be a little more enhancement along the back. **Mr. Lucas** replied that buildings at the entrances to the development will include rock enhancement around the rear. **Commissioner Overson** reiterated her concern about what can be seen through the open fence and would just like more enhancements included.
- Item #24 [18:49:16](#) – **Mr. Lucas** advised that recent efforts have considerably increased the landscaping on the site.
- **Chet Nichols** [18:51:25](#) – wanted to address the deck issue saying that having the decks would be a desirable benefit and would enhance the architecture of the project. It would enable owners to more effectively utilize their back yards. [18:52:36](#).

2.4 **SPEAKING:** None.

2.5 **CLOSED FOR PLANNING COMMISSION DISCUSSION OR A MOTION:** **Discussion:**

- **Commissioner Daniels** commended the petitioners on how much this project has improved. He asked that they continue to work with the planning staff on issues. [18:54:45](#)
- **Commissioner Calacino** agreed that considerable progress had been achieved, however, he was still frustrated in not getting a good mix between the two projects with the arrangements of the units, saying that it still looks like two separate developments. [18:55:41](#) He said there were still issues in regards to the rear deck extension of the units, which he felt would affect the drainage swales there. He was concerned that if the developer doesn't install a deck, the home owners will do it and it will cause drainage problems in the future. [18:56:14](#) Maybe the grades need to be brought up closer to the doorway. They are asking for 5% grade away from the house and a 6' wide swale, 3' in each direction, then there is a wall, which will probably be 1' wide, which equates to 17' and there is only 15' available. Therefore, there is 2' which needs to be made up to maintain the 10' minimum requirement. This has been engineered, and those numbers mean there is an issue. [18:56:36](#) His main concern remains that these projects still appear to be segregated and totally separate instead of a cohesive site. **Mr. Maloy** asked to address the deck issue and rear yard setback. He could not recall if staff made a specific recommendation on that in the staff report. However, it was reviewed and compared with the Code under the PUD Ordinance. The PUD Ordinance says that PUD's should mirror the adjacent properties at a minimum. The Planning Commission cannot exceed that standard, cannot decrease the rear yard setbacks anymore than what is happening across the fence line there from. In the R-1-10 zone, the home fronts 1300 West, so essentially there is a side yard property line along the large parcel. Mr. Lucas' property currently has a 15' rear yard setback and he would like to fill in a portion of that with deck space. What he is asking is that where the Code allows potentially an 8' setback along the north property line, that they propose to fill that setback in with deck space. The buildings themselves would stay where they are at 15' but a deck would be added thereto. They would also like to see decks off of their east property line due to the great view available there. The problem is in this situation there are back yards off of the private road along the property line and so the Code says they must maintain the 15' rear yard setback. The decks are off the ground several feet but the setback would apply to the deck structure. Therefore, even if the Planning Commission were interested in

demonstrating flexibility here, it could not reduce the 15' minimum rear yard set back. That may be unfortunate with regards to the desires of the applicant but that is a hard limitation in the Code. It is Staff's position that the concern is really one of invasion of privacy for the neighbors where there are decks potentially several feet off the ground. [19:00:55](#). The PUD Ordinance allows flexibility but says specifically that setbacks cannot be varied further than what is on the other side of the fence line.

- **Commissioner Calacino** [19:01:53](#) wanted to go on record saying that when this proposal first came before the Commission, he was advocating 20' rear yard setbacks all the way around. He felt that the developer simply was trying to maximize the number of units. What has happened then is the site is compromised – going from a 20' setback to a 15' setback, 6' wide drainage swales are required now because of the massive re-contouring required for the site to make the development work and now on the east side there is a 4' to 5' high wall along the property line. Therefore, those properties would set up above the neighbors automatically and now they want to add decks. There is no room left to manage the development as a whole for privacy, storm drainage, building, etc. He felt the developers have boxed themselves into a corner by originally asking for an appeal of the 20' setback to 15' and now in the final stage of development, they are asking for another adjustment by suggesting it is the City's responsibility to make something work.
- **Commissioner Barbour** [19:03:36](#) said she was trying to understand the deck issue and asked if a 4' deck would work instead of the 8' one the developer is requesting. **Mr. Maloy** said that he didn't know the exact minimum width of basically an egress stairwell off of an above grade floor. The Code says that encroachment is allowed within the setback for a stairwell and he assumed it was 3' or 4'. **Commissioner Calacino** added that it is the width of the typical doorway. The landing outside the door must be at least the same width as the door. Therefore, a 3' x 4' landing would be required right outside the door. **Mr. Maloy** added that to have that egress the setbacks would not need to be amended. The Code already allows for that as is. **Commissioner Calacino** commented that an extra 5' would have made a lot of difference. **Commissioner Barbour** [19:05:28](#) added that it was sad that these residents will not be able to have decks. They will have an exit out there with a small landing area but no deck.

- 2.6 **MOTION:** **Commissioner Bolton** [19:05:58](#) - I would like to make a motion for approval of File #25C05 Conditional Use Permit with staff reviewing the following items if they are willing to take on that task: (1) In reference to outstanding items, that they move the trail to align with the common spaces. [19:06:43](#) ; (2) That all trees are 2" caliper or 6' conifers; (3) That fence material be submitted and coordinated with the adjacent development to make sure there is a harmonious fence of one type. [19:07:02](#); (4) That they do submit the mail kiosk and pergola designs for the staff to review; (5) That Buildings A, B and C receive 360° architectural treatments. They are the buildings that face out into the common spaces. (6) That the 15' setback be upheld with no decks encroaching in that setback due to drainage issues. [19:07:52](#). **Mr. Maloy** said that every one of those points are within the 6 conditions for approval except for the 360° architecture on Buildings A, B and C and wanted to know if Commissioner Bolton was comfortable with those six conditions outlined by staff and adding #7 to address comment on the 360° architecture. **Commissioner Bolton** – Yes, but is the 15' setback requirement addressed? **Mr. Maloy** said that was because his recommendation was to maintain it as is. **SECOND:** **Commissioner Calacino**. [19:08:44](#) **Commissioner Overson** [19:08:50](#) restated the motion Commissioner Bolton to approve File 25C05 with staff recommendations, adding #7 that there be a 360° on Buildings A, B, and C. **VOTE:** All Commissioners present voted in favor. Motion passes unanimously.

SUBDIVISION

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| 3. | 3S06 | Jack Lucas, Approximately 1300 West Winchester Street – Winchester Overlook
Subdivision Plat Containing 30 Lot Residential Town Homes. (Final)
(Michael Maloy/City Planner). |
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[19:09:28](#)

3.1 **Mr. Maloy** oriented on the site plan, aerial map and images. The Planning Commission granted preliminary subdivision approval on February 14, 2006 with the following conditions:

1. Planning Commission shall review subdivision plat for final approval.
2. Receive subdivision approval from all applicable regulatory authorities such as the City Engineer, Unified Fire Authority, Taylorsville-Bennion Improvement District, Salt Lake Valley Health Department and Salt Lake County Recorder's Office.
3. Provide sufficient roadway for vehicle backing movements at 6428 S. 1272 and 1248 W.

4. Final plat shall include notations that all roadways are private and that Taylorsville City is not responsible for maintenance of private roads.
5. Final approval of the Winchester Overlook Subdivision shall be contingent upon final approval of corresponding conditional use permit (#25C05) and plat shall not be recorded prior to issuance of said permit. Open space plan and amenities shall be consistent with conditions of CUP.
6. Submit for City review a copy of proposed codes, covenants and restrictions (CC&R's) to ensure proper maintenance of common space.
7. Applicant shall pay all applicable subdivision application and impact fees prior to plat approval.

Staff recommends final approval of Subdivision 3S06 with the following conditions:

1. Prior to plat recordation, applicant shall correct subdivision plat and civil engineering plans as required by City Engineer and as described with the staff report.
2. Prior to plat recordation, applicant shall provide documentation acceptable to the City Engineer regarding construction of shared access on 1300 West.
3. Prior to plat recordation, applicant shall provide a copy of the Salt Lake County Storm Water Discharge Permit.
4. Prior to plat recordation, applicant shall provide civil engineering plans for electrical services within the project including street lights, common space amenities and landscaping infrastructure.

3.2 **APPLICANT ADDRESS:** Jack Lucas was present to answer questions. [19:09:57](#) **Commissioner Bolton** asked about the status of the 1300 West dedication improvements. **Mr. Lucas** advised that was included with the Winchester Town Homes project. **Commissioner Bolton** advised that with Signature's development coming in first, it was apparent that some type of easements and road dedications must be included up front to make sure it does happen prior to actual construction beginning. [19:10:32](#) **Mr. Lucas** said that the City Engineer, Gordon Haight, has made that recommendation to have a right of way agreement and Signature Development as well as Prolifica would be in compliance on that issue. Basically the plat will reflect the conditions. [19:11:25](#) **Mr. Haight** advised that his intent was that the plat could not be recorded unless there were an easement recorded with it. Because of the private road, his recommendation was for an easement given from Prolifica to the Winchester Overlook Home Owner's Association, so they would have access and responsibility to building and maintain a roadway there. It would not be a dedication to the City. [19:11:56](#)

3.3 **DISCUSSION:** **Mr. Maloy** [19:12:32](#) interjected a comment not raised in the staff report, reference Building #31, southeasterly building unit. The driveway off of Tripp Hill Lane is at an obtuse angle and does not have sufficient backing area. He wanted to know if that raised any concerns. On the preliminary subdivision approval three units were determined to have insufficient backing movement out of the garages and for some reason Building #31 was not included. To accommodate this, the landscaping plan may need to be amended a little bit. **Commissioner Calacino** added that there was also a problem with the porch on that unit encroaching into the 10' setback. [19:14:13](#) **Commissioner Overson** said that the driveway looked to be extra long and **Mr. Maloy** commented there needs to be some type of adjustment because that driveway is too long to be able to back all the way out.

3.4 **SPEAKING:** None.

3.5 **CLOSED FOR PLANNING COMMISSION DISCUSSION:** **Commissioner Bolton** wanted to know if this project is going to transition into Murray City and **Mr. McGrath** advised that West Jordan City has not signed off on the boundary adjustment but that this project will probably end up in Murray City. [19:16:46](#) His estimate was that nothing would take place regarding the boundary adjustment until August 2006. **Commissioner Bolton** wanted to know how this project would transition into Murray City and what problems would be created changing jurisdiction in the middle of construction. **Mr. McGrath** said it was his understanding that Murray City plans to respect Taylorsville's entitlement process but once it goes into construction the impact is unknown at this point. **Mr. Lucas** said that recently the Taylorsville City Attorney, John Brems had spoken with the Murray City Attorney on these issues, so it is moving ahead slowly. Murray City has to have a noticed public hearing and that the boundary adjustment did not have to take place prior to the public hearing being held and receiving proper signatures on the plat in order to go ahead with public improvements. Murray City has been reviewing the improvement drawings, sewer/water drawings and basically the hold up is still with West Jordan City. Murray City's building department has said that Taylorsville City inspectors would finish the buildings they started but any new construction would fall under the purview of Murray City's building and inspection department. [19:20:10](#) **Commissioner Bolton** asked if the plat would be recorded in Murray City and **Mr. Lucas** said that the recorded plat will be signed off by both Taylorsville City and Murray City.

3.6 **MOTION:** **Commissioner Bolton** [19:21:37](#) - I would like to make a motion to approve File 3S06, residential subdivision, with Staff's four recommendations.

SECOND: Commissioner Barbour.

VOTE: All Commissioners present voted in favor. Motion passes unanimously.

WORK SESSION

DISCUSSION ITEMS

NOTE: Commissioner Overson excused herself from discussion of the following item due to conflict of interest in that her husband is the developer of this project and left the room. Commissioner Jensen assumed duties as Chair at this point.

4. Discussion in regards to the Millrace Meadows Subdivision located at 5161 South 1130 West. (Mark McGrath/Director/Community Development)

4.1 Item was introduced by **Mr. McGrath** [19:24:48](#). **Mr. McGrath** had received a voice mail from Mr. Overson asking to be on tonight's agenda to discuss for one thing the requirement by the Planning Commission to review for final approval. Mr. Overson asked Mr. McGrath to waive that requirement and for staff to handle final approval. It was Mr. McGrath's understanding that given the fact that the City Council and the Mayor had made waivers and exceptions on this project that discussion tonight would involve some of those gray issues. With that information, the City Engineer, Gordon Haight, started putting together some of his concerns and a copy of his memorandum was forwarded to all Commissioners. In that memo, a number of issues were addressed including the storm drainage plan, roadway design and specific recommendations from the City Engineer. Mr. Overson asked that due to the length of the concerns from the City Engineer and the short time he had had to review it, the only thing he wanted to discuss this evening is simply the issue of whether Staff or the Commission would be reviewing final. Staff's recommendation is that because there are a number of potentially difficult issues to resolve, that the project receive final review before the Commission rather than at staff level.

- **Commissioner Calacino** [19:26:44](#) offered that whether it comes back to the Commission for final is dependent upon if there are any issues that the Planning Commission will need to make final decisions on. If there are issues with the subdivision that are in dispute which are covered by ordinance, that is an appeal issue elevated to a higher authority. It would seem like it would only come back to the Commission if there was a major design change, other than what was approved preliminarily. Some issues with the subdivision are in dispute, however, those would then become appeal issues, and beyond the scope of the Commission.
- **Mr. McGrath** added that where that gets confusing is that the applicant proposed one thing to the Commission and approval was given for a significantly different project than proposed. Then a number of exceptions were granted by the City Council and the Planning Commission. The present situation at Staff level is that if the City is not going with the black and white of the ordinance, based on these exceptions, then where is Staff's guidance coming from. It is at the point right now where the applicant and the City Engineer are working together on the engineering issues. At this point it is uncertain if there will be major planning issues or whether they are simply ordinance issues. [19:28:31](#)

4.2 **SPEAKING: Brent Overson.** [19:28:53](#) **Mr. Overson** advised that he had initially asked Staff if he could bring this to the Planning Commission and was told he could not. He asked if he could bring it to the table at the Development Review Committee meeting and was told he could not. He felt the biggest issues were dealing with engineering and that was being worked out with the City Engineer but that he could not make the deadline to go on the June 13th Planning Commission meeting until those issues were cleared up and there simply was not enough time to do that. That was the reason he asked that Staff do the final review.

- **Commissioner Daniels** [19:30:46](#) wanted to know if the applicant was proposing to just work with staff, including the City Engineer, and not come back to the Planning Commission. [19:31:09](#) **Mr. Overson** said that when he filed his appeal he specifically stipulated to the fact that he would work with Staff. He expressed his respect for the City Engineer and Community Development staff and had tried to cultivate the opportunity for communication on issues, therefore, would prefer to finish the project with Staff and not come back to the Commission.
- **Mr. McGrath** advised that all the applicant is seeking tonight is whether the Commission wants to review for final or to delegate that approval to Staff for completion. As it stands right now, the original approval requires that it comes back before the Commission for final, therefore, if that motion is kept in place, nothing has to be done. If the Commission desires to change that, then there would have to be a motion made tonight. [19:32:08](#)

- **Commissioner Barbour** [19:32:14](#) said that it is her understanding that Staff would like to have this come back before the Commission one more time. **Mr. McGrath** informed her that there were still too many unanswered questions to have Staff make the final approval.
- **Commissioner Calacino** [19:33:08](#) felt that Staff could continue to work on this and simply include it as an item on the next Consent Agenda. He believed that the appeal process has changed the original decision by the Commission, so it was only prudent that they see the final outcome, at least on the Consent Agenda. [19:33:29](#)
- **Commissioner Jensen** [19:34:12](#) wanted to know if there was a certain date or if Staff could push it back until they are comfortable with the progress. **Mr. McGrath** indicated that for anything to appear on an agenda, everything must be submitted to Staff at least two weeks in advance. **Mr. Overson** was concerned that he could not meet the advance submission requirement in order to make the June 13th meeting. [19:34:58](#). **Mr. McGrath** added that it could conceivably come back by the work session meeting on June 27, 2006. **Commissioner Jensen** then suggested the date be left open until Staff and the applicant were ready.
- **Mr. Overson** [19:36:33](#) indicated that it is up to him when he submits this and asked that he simply be given a deadline and he will meet it. He expressed that he could not understand why a simple nine lot subdivision had become so complex. That his request to work with Staff was simply made to be able to work out all issues with the City Engineer. **Commissioner Jensen** said there was nothing difficult about this and that as soon as Mr. Overson is ready, it would be put on the agenda. That he was trying to make it more flexible, not less. [19:37:12](#) **Mr. Overson** then asked why it was so difficult to have Staff approve the final plat. **Commissioner Jensen** advised that the Commission simply wants to see what has happened. **Commissioner Calacino** added that there had been enough changes made that the Commission wanted to see the final proposal, even if it is just on the Consent Agenda.
- **Commissioner Jensen** advised that no motion this evening means it comes back for final approval before the Commission whenever the applicant and Staff are ready.
- **Commissioner Bolton** asked [19:38:34](#) in the name of expediency and to alleviate costs incurred by double mailings, if Staff could notice for Planning Commission and City Council at the same time. There is a one week overlap between those two meetings but if something changes during the Planning Commission meeting, it could be removed from the City Council Agenda. **Mr. McGrath** advised that could be done but did not feel it was a good idea most of the time. **Commissioner Bolton** said that it would still give Staff the two weeks necessary to review the proposal and better accommodate the developers who are on tight time constraints. **Mr. McGrath** said that this particular project will not have to go back before the City Council. Everything pertaining to this project is all within the purview of the Planning Commission unless the applicant asks for more exceptions. **Commissioner Calacino** felt there was no problem having this come back to the Commission primarily due to the amount of changes. He commented that the developer, regardless of who he is, if he cannot meet ordinance then the project should not get off the drafting table. [19:39:47](#) **Commissioner Smith** [19:39:52](#) advised that excavation is already going on at this site. **Mr. Haight** said he would look into that matter.

5.1 American Planning Association Conference Reports

5.1 **Mark McGrath** [19:53:02](#) **Mr. McGrath** covered the highlights of events and work shops he attended reference to the American Planning Association National Conference he attended in San Antonio, Texas in April 2006. He showed many slides and gave an in depth and informative presentation.

5.2 **Dan Udall** who also attended the conference postponed his presentation until the work session next month.

5.3 **Commissioner Daniels:** **Commissioner Daniels** provided written comments of his experiences while attending this conference and advised it was very worthwhile, especially the affordable housing related workshops. He summarized his presentation by saying that Taylorsville needs to integrate more affordable housing, transit-oriented development and environmentally sound principles into the planning processes. [19:41:10](#)

6. Discussion in regards to the 4800 South Small Area Master Plan.

6.1 This item was introduced by **Mr. McGrath** [20:35:18](#). He advised that the 4800 South Small Area Master Plan has evolved to the point where the positive aspects which can be implemented have been met and asked for an opinion from the Commissioners about the feasibility of getting rid of the plan now. He turned the time over to Nick Norris (City Planner for that area) for analysis.

6.2 **Mr. Norris** [20:36:51](#) said basically that the idea for this proposal began during review of the last application in that area wherein Staff realized that the key components which can be implemented have been, i.e., development of the Richardson's property and installation of a trail head at the power corridor. The right-of-way acquisition on 1130 West apparently is no longer something that the City is pursuing, so it is likely that road will remain "as is" indefinitely. That leaves two issues down there, one being preservation of the Jordan River Corridor and the other being in-fill development. During the process for the last application, the applicant changed the zoning and it was determined not to really impact the way that neighborhood had been developed over the years. Therefore, it is felt by Staff that the Plan is not now adequately addressing the needs of the area. **Mr. Norris** was not necessarily in favor of doing away with the Plan entirely and referred to the General Plan update wherein that area is addressed as a possible historic district. He advised that the purpose this evening was to get feed back from the Commissioners.

- **Commissioner Overson** [20:39:12](#) felt there are a few pieces along the Jordan River that are still developable and she did not want to do away with the Plan because that would signify to the neighbors that Staff no longer is taking into consideration their feelings about what happens to their neighborhood. **Mr. McGrath** advised that the biggest concern is the stipulation that all zoning stays the same. There have been many amendments approved by the City Council involving that issue. [20:42:35](#) Protection of the river is important and thus far the plan has protected the corridor in that the 100' back from the river cannot be developed.
- **Commissioner Barbour** wanted to make sure that the Commission continues to look to the future and not just what is happening at this point in time.
- **Commissioner Jensen** felt there is still a need to maintain the character of the Community and that proper zoning would cover that along with establishing the historic district along 4800 South. [20:43:45](#). His suggestion was to have a historical strip along 4800 South and make that an area all by itself. Then he would like to see a small area master plan for the entire length of the Jordan River in the City and expand that out so that it covers the sensitive areas along there. The remainder that is left is covered by the existing pattern that has already been developed and already been approved. He felt the Plan has taken care of a lot of the needs but there are greater needs that need to be covered now.
- **Mr. McGrath** advised that the primary objective of that Plan when it was adopted was to help protect the character of that neighborhood. The residents of that area felt like they were living some place special that was a little bit different than most other areas and wanted to keep that. [20:45:07](#) It is very difficult to effectively achieve community character through zoning. **Mr. McGrath** was in favor of the idea of letting the 4800 South Small Area Master Plan continue in place for now. Application has been made for funding of the historic district for this budget year and then when the consultant is hired to do the 4800 South Historic Plan, he suggested integrating the relative portions of this Plan into that Historic Plan.
- **Commissioner Jensen** [20:46:34](#) was in agreement with that with the exception of the Jordan River, wanting the whole length of which must be taken care of right now. **Mr. McGrath** added that the General Plan gives some protection to it but it may be a good idea to do the Jordan River Small Area Master Plan out of next year's budget in order to protect the parkway and the whole corridor along the river. The City Council's focus this year is the historic master plan [20:46:53](#)
- **Commissioner Calacino** [20:48:01](#) wanted to know if there had been any follow-through on the proposed ordinance for the Jordan River Corridor that Commissioner Jensen submitted for review by the Commission and Staff last year and felt an appropriate step at this juncture is to provide a band aid type ordinance with protection for the river now. **Mr. McGrath** agreed with providing an interim type ordinance until the master plan for the river can be prepared and a more comprehensive ordinance enacted after further study. [20:49:34](#) The first step is to bring back Commissioner Jensen's draft proposal at a work session and work on it.
- **Commissioner Jensen** [20:50:21](#) felt it was a good ordinance and the only problem was the concern involved with meandering. **Mr. McGrath** added that the issue of the Jordan River is complicated

because there are so many levels of jurisdiction involved. Any ordinance amendment made by the City must be well thought out and not conflicting with those of other agencies. Whatever band aid ordinance that is considered for adoption should be pretty simple. Staff will bring this back for review by the Commission next month.

- **Commissioner Barbour** [20:51:28](#) was concerned about the apparent lack of concern about this issue by the City Council and Mr. McGrath said they do care but there is no particular sponsorship among them for the river's protection right now. **Commissioner Barbour** added that the City Council always says they have no money but they might agree to take care of it by ordinance now. [20:52:21](#)
- **Commissioner Overson** commented that right now the Commission is in the position of "reacting" to proposals and if there were something in place, different decisions might be made which would stand up to scrutiny. She said that the property Mr. Don Patton was developing along the river and which is probably changing ownership now, will appear before the Commission again and it would be nice to know exactly which permits are required and to have an ordinance in place to back the Commission up. [20:55:27](#)
- **Mr. McGrath** felt it would be wise to bring in an expert who is knowledgeable about the river and also to include a landscape expert. [20:55:42](#) **Commissioner Daniels** [20:57:47](#) said that it should remain as natural habitat and there would almost need to be nothing done. **Commissioner Calacino** added that trails along the Jordan are important aspects with connectivity to other trails throughout the County. [21:02:45](#) **Commissioner Daniels** suggested the Commissioners review Commissioner Jensen's proposed ordinance and come back next month with suggestions/input. **Commissioner Calacino** would like to include the County Flood Control Ordinance in that review.

ADJOURNMENT: By motion by **Commissioner Calacino**, the meeting was adjourned at 9:14 p.m.

Respectfully submitted by:

Jean Gallegos, Admin Assistant to the
Planning Commission

Approved in meeting held on July 25, 2006.